

The Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

AUXIER FINANCIAL GROUP LLC,)
Plaintiff,)
v.)
JP MORGAN CHASE BANK, N.A.; Bank of)
America N.A. as Successor by Merger to)
LASALLE BANK N.A. as TRUSTEE for)
Washington Mutual Mortgage Pass-through)
Certificates WaMu Series 2007-OA4 Trust, and)
for Washington Mutual Mortgage Pass-Through)
Certificates MWALT Series 2007 OC-1 Trust,)
Defendants.)
No. C10-2070 MJP
DECLARATION OF
MATTHEW SULLIVAN IN
SUPPORT OF DEFENDANTS'
MOTION TO DISMISS

I, Matthew Sullivan, declare as follows:

1. ***Identity of Declarant.*** I am an attorney with Davis Wright Tremaine, LLP, counsel of record for JPMorgan Chase Bank, N.A. (“Chase”) and Bank of America, N.A., as successor by merger to LaSalle Bank N.A. as Trustee for Washington Mutual Mortgage Pass-through Certificates WaMu Series 2007-OA4 Trust, and Washington Mutual Mortgage Pass-Through Certificates MWALT Series 2007 OC-1 Trust (“Bank of America”) in the above-referenced lawsuit. I have personal knowledge of the facts stated in this declaration and am competent to testify to the same.

2. ***IBB&A Corporate Registration.*** I located the corporate registration information for International Business Brokers & Affiliates, Inc. (“IBB&A”) on the Washington Secretary of State Corporations Division website and ordered a certified copy of that registration information. Attached as Exhibit A is a true and correct certified copy of the Washington Secretary of State’s registration information for IBB&A.

3. ***Auxier Financial Group, LLC Corporate Registration.*** I located the corporate registration information for Auxier Financial Group, LLC (“Auxier Financial”) on the Washington Secretary of State Corporations Division website and ordered a certified copy of that registration information. Attached as Exhibit B is a true and correct certified copy of the Washington Secretary of State’s registration information for Auxier Financial.

4. ***Notice of Trustee's Sale.*** Attached as Exhibit C is a true and correct certified copy of the Notice of Trustee's Sale, recorded in Snohomish County on August 13, 2010, under auditor number 201008130651.

5. ***Appointment of Successor Trustee.*** Attached as Exhibit D is a true and correct certified copy of the Appointment of Successor Trustee, recorded in Pierce County on August 2, 2010, under auditor number 201008020398.

I certify under penalty of perjury under the laws of the State of Washington that the foregoing statements are true and correct.

DATED this 8th day of December, 2011 at Seattle, Washington.

/s/ Matthew Sullivan
Matthew Sullivan

1
2 CERTIFICATE OF ELECTRONIC SERVICE
3

4 I hereby certify that on December 8, 2011, I electronically filed the foregoing with the
5 Clerk of the Court using the CM/ECF system which will send notification of such filing to the
6 following:
7

- 8 • Edward L. Mueller
9 elm@muellerlawfirm.net

10 DATED this 8th day of December, 2011.

11 Davis Wright Tremaine LLP
12 Attorneys for Defendants
13 Chase and Bank of America

14 By s/ Matthew Sullivan
15 Matthew Sullivan, WSBA #40873
16 Suite 2200, 1201 Third Avenue
17 Seattle, Washington 98101-3045
18 Tel.: (206) 757-8257
19 Fax: (206) 757-7257
20 E-mail: matthewsullivan@dwt.com

EXHIBIT A

UNITED STATES OF AMERICA
The State of Washington
Secretary of State



I, Sam Reed, Secretary of State of the State of Washington and custodian of its seal, hereby issue this

certificate that the attached is a true and correct copy of

ARTICLES OF INCORPORATION

of

INTERNATIONAL BUSINESS BROKERS & AFFILIATES, INC.

as filed in this office on April 8, 2009.

Date: November 7, 2011



Given under my hand and the Seal of the State of Washington at Olympia, the State Capital

A handwritten signature in blue ink that reads "Sam Reed".

Sam Reed, Secretary of State

602 914 343

State of Washington

Secretary of State

CORPORATIONS DIVISION

James M. Dolliver Building
801 Capitol Way South
PO Box 40234
Olympia WA 98504-0234
360.753.7115

[IAR]

FILED
SECRETARY OF STATE
SAM REED

April 8, 2009

STATE OF WASHINGTON

Application for Profit Corporation

Office Information

Application ID 1411833

Tracking ID 1680395

Validation ID 1488711-001

Date Submitted for Filing: 4/8/2009

Contact Information

Contact Name Alisha Evans

Contact Address 856 S Sage Drive
Suite 3
Cedar City
UT
84720

Contact Email aevans@incitinc.com

Contact Phone 877-678-4646

Articles of Incorporation

Preferred Name INTERNATIONAL BUSINESS BROKERS & AFFILIATES, INC.

Purpose Any Lawful Purpose

Duration Perpetual

Incorporation Date Effective Upon Filing by the Secretary of State

Expiration Date 4/30/2010

Number of Shares 25000000

Authorized Shares

All of One Class

Registered Agent Information

Agent is Individual

Agent Name Maureen Chapman

Agent Street Address 205 South Dunham Avenue
Arlington
WA
98223

Agent Mailing Address Same as Street Address

Agent Email Address

Submitter/Agent Relationship Submitter has signed consent of specified agent

Incorporators Information

Incorporator #1

Incorporator Name Josh Auxier

Incorporator Address 19210 3rd Avenue S
Des Moines
WA
98148

Signature Information

Signed By Josh R. Auxier

EXHIBIT B

UNITED STATES OF AMERICA
The State of Washington
Secretary of State



I, Sam Reed, Secretary of State of the State of Washington and custodian of its seal, hereby issue this

certificate that the attached is a true and correct copy of

CERTIFICATE OF FORMATION

of

AUXIER FINANCIAL GROUP LLC

as filed in this office on March 21, 2007.

Date: November 7, 2011



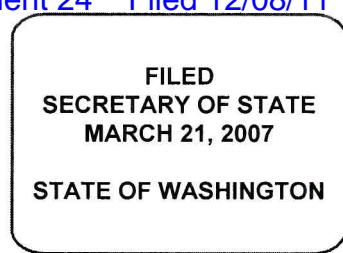
Given under my hand and the Seal of the State of Washington at Olympia, the State Capital

A handwritten signature in blue ink that reads "Sam Reed".

Sam Reed, Secretary of State

602 708 352

State of Washington



Secretary of State

CORPORATIONS DIVISION

James M. Dolliver Building
801 Capitol Way South
PO Box 40234
Olympia WA 98504-0234
360.753.7115

Application for Limited Liability Company

Office Information

Application ID 807907

Tracking ID 1267090

Validation ID 1026105-001

Date Submitted for Filing: 3/21/2007

Contact Information

Contact Name Josh Auxier

Contact Address 19210 3rd Ave S
Des Moines
WA
981482114

Contact Email RealEstateAdvocate@msn.com

Contact Phone 206-551-1786

Certificate of Formation

Preferred Name AUXIER FINANCIAL GROUP LLC

Physical Address 19210 3rd Ave S
Des Moines
WA
981482114

Purpose Any Lawful Purpose

Duration Perpetual

Formation Date Effective Upon Filing by the Secretary of State
Expiration Date 3/31/2008
Limited Liability Company Management Manager
Members Signature On File

Registered Agent Information

Agent is Individual

Agent Name Josh R Auxier

Agent Street Address 19210 3rd Ave S
Des Moines
WA
98148 2114

Agent Mailing Address Same as Street Address

Agent Email Address RealEstateAdvocate@msn.com

Submitter/Agent Relationship Submitter is Registered Agent

Members Information

Submitter is Only Member

Member #1

Member Name Josh Auxier

Member Address 19210 3rd Ave S
Des Moines
WA
981482114

Signature Information

Signed By Joshua Ryan Auxier

EXHIBIT C

201008130651

3

08/13/2010 03:51 PM

64.00

SNOHOMISH COUNTY, WASHINGTON

RECORDING REQUESTED BY
JPMorgan Chase Bank, N.A.
7301 Baymeadows Way
Jacksonville, FL 32256

AND WHEN RECORDED MAIL TO:
Quality Loan Service Corp. of Washington
2141 5th Avenue
San Diego, CA 92101

APN: 5380-000-162-02
TS No: WA-10-357536-NH

SPACE ABOVE THIS LINE FOR RECORDER'S USE

100254157

NOTICE OF TRUSTEE'S SALE
PURSUANT TO THE REVISED CODE OF WASHINGTON
CHAPTER 61.24 ET. SEQ.

I. NOTICE IS HEREBY GIVEN that Quality Loan Service Corp. of Washington, the undersigned Trustee, will on 11/19/2010, at 10:00:00 AM, at the main entrance to the Superior Courthouse 3000 Rockefeller Avenue, Everett, WA sell at public auction to the highest and best bidder, payable, in the form of cash, or cashier's check or certified checks from federally or State chartered banks, at the time of sale the following described real property, situated in the County of SNOHOMISH, State of Washington, to-wit:

**THE EAST 85 FEET OF LOT 162, PAINE FIELD NO 3, ACCORDING TO THE PLAT
THEREOF, RECORDED IN VOLUME 12, OF PLATS, PAGE 110, RECORDS OF SNOHOMISH
COUNTY, WASHINGTON SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF
WASHINGTON**

Commonly known as:
2525 CENTER RD
EVERETT, WA 98204

which is subject to that certain Deed of Trust dated 2/22/2007, recorded 2/27/2007, under Auditor's File No. 200702270788, in Book xxx, Page xxx, records of SNOHOMISH County, Washington, from JOSEPH T SELLARS ,A MARRIED PERSON AND GREG GREENE ,A SINGLE PERSON, as Grantor(s), to CHICAGO TITLE INSURANCE CO, as Trustee, to secure an obligation in favor of WASHINGTON MUTUAL BANK, FA A FEDERAL SAVINGS BANK, as Beneficiary, the beneficial interest in which was assigned by WASHINGTON MUTUAL BANK, FA A FEDERAL SAVINGS BANK to Bank of America, National Association as successor by merger to LaSalle Bank NA as trustee for Washington Mutual Mortgage Pass-Through Certificates WaMu Series 2007-QA4 Trust.

II. No action commenced by the Beneficiary of the Deed of Trust is now pending to seek satisfaction of the obligation in any Court by reason of the Borrower's or Grantor's default on the obligation secured by the Deed of Trust/Mortgage.

III. The default(s) for which this foreclosure is made is/are as follows:
Failure to pay when due the following amounts which are now in arrears: \$12,677.02

201008130651

IV. The sum owing on the obligation secured by the Deed of Trust is: The principal sum of \$316,431.12, together with interest as provided in the Note from the 1/1/2010, and such other costs and fees as are provided by statute.

V. The above-described real property will be sold to satisfy the expense of sale and the obligation secured by the Deed of Trust as provided by statute. Said sale will be made without warranty, expressed or implied, regarding title, possession or encumbrances on 11/19/2010. The defaults referred to in Paragraph III must be cured by 11/8/2010 (11 days before the sale date) to cause a discontinuance of the sale. The sale will be discontinued and terminated if at any time before 11/8/2010 (11 days before the sale) the default as set forth in Paragraph III is cured and the Trustee's fees and costs are paid. Payment must be in cash or with cashiers or certified checks from a State or federally chartered bank. The sale may be terminated any time after the 11/8/2010 (11 days before the sale date) and before the sale, by the Borrower or Grantor or the holder of any recorded junior lien or encumbrance by paying the principal and interest, plus costs, fees and advances, if any, made pursuant to the terms of the obligation and/or Deed of Trust.

VI. A written Notice of Default was transmitted by the Beneficiary or Trustee to the Borrower and Grantor at the following address(es):

<u>NAME</u>	<u>ADDRESS</u>
JOSEPH T SELLARS ,A MARRIED PERSON AND GREG GREENE , A SINGLE PERSON	2525 CENTER RD EVERETT, WA 98204

by both first class and certified mail on 4/26/2010, proof of which is in the possession of the Trustee; and the Borrower and Grantor were personally served, if applicable, with said written Notice of Default or the written Notice of Default was posted in a conspicuous place on the real property described in Paragraph I above, and the Trustee has possession of proof of such service or posting.

VII. The Trustee whose name and address are set forth below will provide in writing to anyone requesting it, a statement of all costs and fees due at any time prior to the sale.

VIII. The effect of the sale will be to deprive the Grantor and all those who hold by, through or under the Grantor of all their interest in the above-described property.

IX. Anyone having any objections to this sale on any grounds whatsoever will be afforded an opportunity to be heard as to those objections if they bring a lawsuit to restrain the sale pursuant to RCW 61.24.130. Failure to bring such a lawsuit may result in a waiver of any proper grounds for invalidating the Trustee's sale.

X. NOTICE TO OCCUPANTS OR TENANTS – The purchaser at the Trustee's Sale is entitled to possession of the property on the 20th day following the sale, as against the Grantor under the deed of trust (the owner) and anyone having an interest junior to the deed of trust, including occupants who are not tenants. After the 20th day following the sale the purchaser has the right to evict occupants who are not tenants by summary proceedings under Chapter 59.12 RCW. For tenant-occupied property, the purchaser shall provide a tenant with written notice in accordance with RCW 61.24.060.

If the Trustee is unable to convey title for any reason, the successful bidder's sole and exclusive remedy shall be the return of monies paid to the Trustee, and the successful bidder shall have no further recourse.

If the sale is set aside for any reason, the Purchaser at the sale shall be entitled only to a return of the deposit paid. The Purchaser shall have no further recourse against the Mortgagor, the Mortgagee, or the Mortgagee's Attorney.

THIS IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

T.S. No.: WA-10-357536-NH

Dated: 8/11/2010

Quality Loan Service Corp. of Washington, as Trustee

Sarina Castaneda

By: Sarina Castaneda, Assistant Secretary

For Non-Sale, Payoff and Reinstatement info
Quality Loan Service Corp of Washington
2141 Fifth Avenue.
San Diego, CA 92101
(866) 645-7711
Sale Line: 714-573-1965 or Login to:
www.priorityposting.com

For Service of Process on Trustee:
Quality Loan Service Corp., of Washington
19735 10th Avenue NE
Suite N-200
Poulsbo, WA 98370
(866) 645-7711

State of: California
County of: San Diego

On 8/11/10 before me, Brenda Susana Perez, a notary public, personally appeared Sarina Castaneda, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Brenda Susana Perez

(Seal)





STATE OF WASHINGTON }
COUNTY OF SNOHOMISH }

I, Carolyn Weikel, Snohomish County Auditor,
do hereby certify that the foregoing instrument is a
true and correct copy of the document now on file
or recorded in my office.

In witness whereof, I hereunto set my hand this

15 day of NOVEMBER 2011
CAROLYN WEIKEL, County Auditor

Deputy

EXHIBIT D

201008020398
Electronically Recorded
Pierce County, WA
Julie Anderson, Pierce County Auditor
08/02/2010 02:07 PM
Pages: 2 Fee: \$ 15.00

When recorded return to:

Quality Loan Service Corp. of Washington
2141 5th Avenue
San Diego, CA 92101

TS # WA-10-357536-NH
Order # 100254157-WA-JGI
APN: 5380-000-162-02

Space above this line for recorders use only

Appointment of Successor Trustee

NOTICE IS HEREBY GIVEN that QUALITY LOAN SERVICE CORPORATION OF WASHINGTON, a corporation formed under RCW 61.24, whose address is 2141 5th Avenue San Diego, CA 92101 is hereby appointed Successor Trustee under that certain Deed of Trust dated 2/22/2007, executed by JOSEPH T SELLARS ,A MARRIED PERSON AND GREG GREENE , A SINGLE PERSON as Grantor, in which CHICAGO TITLE INSURANCE CO was named as Trustee, WASHINGTON MUTUAL BANK, FA A FEDERAL SAVINGS BANK as Beneficiary, and recorded on 2/27/2007, under Auditor's File No. 200702270788 as book xxx and page xxx , Official Records. Said real property is situated in SNOHOMISH County, Washington and is more particularly described in said Deed Of Trust.

IN WITNESS WHEREOF, the Beneficiary, Bank of America, National Association as successor by merger to LaSalle Bank NA as trustee for Washington Mutual Mortgage Pass-Through Certificates WaMu Series 2007-OA4 Trust, has hereunto set his hand; if the undersigned is a corporation, it has caused its corporate name to be signed and affixed hereunto.

STATE OF WASHINGTON, County of Pierce
ss: I, Julie Anderson, of the above
entitled county, do hereby certify that this
forgoing instrument is a true and correct copy
of the original now on file in my office.
IN WITNESS WHEREOF, I hereunto set my
hand and the Seal of Said County.

Page 1 By: Julie Anderson Deputy
Date: 11-2-2011



Appointment of Successor Trustee
TS # WA-10-357536-NH
Page 2

Dated: JUL 22 2010

JP Morgan Chase Bank
National Association As Attorney in Fact FOR
Bank of America, National Association as successor by
merger to LaSalle Bank NA as trustee for Washington
Mutual Mortgage Pass-Through Certificates WaMu
Series 2007-OA4 Trust

State of Florida)
County of Duval)

By: Nura Nadarevic Nadarevic

Foreclosure Officer

On JUL 22 2010 before me, FLORINA C. MUÑOZ the
undersigned Notary Public, personally appeared Nura Nadarevic personally known to me (or
proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the
within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized
capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which
the person(s) acted, executed the instrument.

WITNESS my hand and official seal

Signature florinam (Seal)

